

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 480, ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:05CV217 DPJ-JCS

RACEWAY ELECTRIC, INC., ET AL.

DEFENDANTS

ORDER

There are currently two motions pending in this action. First, Plaintiffs have filed a motion for summary judgment as to liability pursuant to Federal Rule of Civil Procedure 56. Defendants have responded in opposition. The Court, having considered the memoranda and submissions of the parties, concludes that genuine issues of material fact exist which preclude summary judgment. Accordingly, Plaintiffs' motion for summary judgment is denied.

Second, Defendants have filed a motion for partial summary judgment, seeking dismissal of Defendants Douglas L. Compere and Howard K. Dear in their individual capacities. Defendants submit that Plaintiffs' claims are against Raceway Electric, Inc. as the employer and not Compere and Dear in their individual capacities. Plaintiffs have not responded in opposition to this motion. The Court, having considered the evidentiary submissions attached to the motion, concludes that Defendants' motion for partial summary judgment is meritorious should be granted. Defendants Compere and Dear are dismissed with prejudice.

SO ORDERED AND ADJUDGED this the 17th day of July, 2007.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE